



**U.S. Citizenship  
and Immigration  
Services**

**Non-Precedent Decision of the  
Administrative Appeals Office**

In Re: 17574238

Date: AUG. 23, 2021

**Motion on Administrative Appeals Office Decision**

Form I-140, Immigrant Petition for Alien Worker (Advanced Degree, Exceptional Ability, National Interest Waiver)

The Petitioner, a finance manager, seeks second preference immigrant classification as a member of the professions holding an advanced degree, as well as a national interest waiver of the job offer requirement attached to this EB-2 classification. *See* Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2).

The Director of the Nebraska Service Center denied the petition, concluding that although the Petitioner qualified for the underlying classification as a member of the professions holding an advanced degree, she had not established that a waiver of the required job offer, and thus of the labor certification, would be in the national interest. The Petitioner appealed the matter to us, which we dismissed. The matter is again before us on a motion to reopen and motion to reconsider. On motion, the Petitioner submits a brief, a letter of recommendation, and a supplemental statement.

In these proceedings, it is the Petitioner's burden to establish eligibility for the requested benefit. *See* Section 291 of the Act, 8 U.S.C. § 1361. Upon review, we will dismiss the motions to reopen and to reconsider.

**I. LAW**

A motion to reopen must state new facts and be supported by documentary evidence. 8 C.F.R. § 103.5(a)(2). In addition, a motion to reconsider must (1) state the reasons for reconsideration and be supported by any pertinent precedent decisions to establish that the decision was based on an incorrect application of law or U.S. Citizenship and Immigration Services (USCIS) policy, and (2) establish that the decision was incorrect based on the evidence in the record of proceedings at the time of the initial decision. 8 C.F.R. § 103.5(a)(3). We may grant a motion that satisfies these requirements and demonstrates eligibility for the requested immigration benefit.

## II. ANALYSIS

As an initial matter, the review of any motion is narrowly limited to the basis for the prior adverse decision. Accordingly, we examine any new facts and arguments to the extent that they pertain to our prior dismissal of the Petitioner's appeal.

In our prior decision, we agreed with the Director that the Petitioner did not establish the national importance of her proposed endeavor under the first prong of the *Dhanasar* analytical framework. *See Matter of Dhanasar*, 26 I&N Dec. 884 (AAO 2016). We explained that, similar to our determination in *Dhanasar* that his "teaching activities did not rise to the level of having national importance because they would not impact his field more broadly," the Petitioner did not show that her proposed endeavor would "sufficiently extend beyond her employer and future clientele to impact the financial management field or U.S. economy more broadly at a level commensurate with national importance."

As we explained in our precedent decision,

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. An undertaking may have national importance for example, because it has national or even global implications within a particular field, such as those resulting from certain improved manufacturing processes or medical advances. But we do not evaluate prospective impact solely in geographic terms. Instead, we look for broader implications. Even ventures and undertakings that have as their focus one geographic area of the United States may properly be considered to have national importance. . . . An endeavor that has significant potential to employ U.S. workers or has other substantial positive economic effects, particularly in an economically depressed area, for instance, may well be understood to have national importance.

*Id.* at 889-90.

On motion, the Petitioner argues that USCIS failed "to follow [a] policy of providing 'generosity of spirit' when reviewing applications in light of the humanitarian reasons" and "was so strict in not . . . providing [a] 'shred of human compassion' especially in this struggling time when an essential person like the petitioner only hopes to continue to work and contribute to this country." The Petitioner also makes general statements such as, "the Petitioner's evidence includes documentation showing that the benefit of her proposed work has broader implications, as the results are disseminated to others in the field," but does not provide documentation, such as research publications, to support her claims. The Petitioner has not established the claimed facts with unsupported testimonial evidence alone.

Regarding the evidence submitted on motion, although the recommendation letter is complimentary of the Petitioner and the supplemental statement confirms her dedication to her profession, this information does not overcome the grounds underlying our previous decision or establish her eligibility under the first prong of the *Dhanasar* analytical framework. Further, the Petitioner does not refer to any legal authority to demonstrate that we erred in denying her prior appeal. A moving party must specify the factual and

legal issues that were decided in error or overlooked in the decision or must show how a change in law materially affects the prior decision. *Matter of O-S-G*, 24 I&N Dec. 56, 60 (BIA 2006).

### III. CONCLUSION

The Petitioner has not shown that we erred as a matter of law or USCIS policy in dismissing her appeal, nor has she established relevant new facts that would warrant reopening of the proceedings. The Petitioner's appeal therefore remains dismissed, and her underlying petition remains denied.

**ORDER:** The motion to reopen is dismissed.

**FURTHER ORDER:** The motion to reconsider is dismissed.